

**Village Council
Monday,
September 21, 2009
7:00 PM**

Minutes

Call to Order: Mr. Deeds called the meeting to order at 7:02pm

Pledge of Allegiance: Mrs. Mershon led the Pledge of Allegiance.

Roll Call:

John Bender	Rick Deeds	Bruce Jarvis	Bobbie Mershon
Victor Paini	Marilyn Rush-Ekelberry	Leah Turner	

Approval of Minutes:

Mrs. Rush Ekelberry moved to approve the minutes from the August 17th, September 8th council and September 8th, 2009 Public Hearing. Mrs. Mershon seconded the motion.

August 17th:

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon,
Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

NAYS
Mrs. Turner abstained. Motion carried.

Sept. 8th:

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon, Mrs. Turner
Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

NAYS
Motion carried.

Communications & Petitions:

A letter was received from WOW informing of programming changes effective October 1, 2009 adding GEMS TV to the Digital lineup on channel 193.

A notice was received from Franklin County Board of Health regarding 2010 food program fees.

A letter was received from Nancy Reger of MORPC setting 2010 draft population of Village of Canal Winchester at 6,575 / 2,348 households and MORPC dues.

An update of Bi-Annual General Meeting of Canal Winchester Human Services and annual report was received.

A notice was received from the Ohio Division of Liquor Control regarding an application by Walgreen Co for a C1 liquor permit. A C1 permit allows for the sale of Beer only in original sealed containers for carry out. Objections or comments must be filed by October 13, 2009.

A letter was received from Allan Neimayer regarding zoning amendment ZA-09-04 which requests the amendment of the Comprehensive Development Signage Text for Winchester Square Shopping Center. Planning & Zoning has forwarded the amendment with their recommendation of approval and it was decided that a Public Hearing will be held at 6:30pm on Monday, November 2nd.

John Jones, from the Madison Township Fire Department, asked to be on the agenda but was not present at the meeting.

An copy of an email was received that was sent from Edward Gaines to SWACO expressing his displeasure with the path they are taking with regards to rescinding waivers permitting the hauling of trash outside the county.

A communication was received from Todd Weiser, of Weiser Construction, thanking the Mayor for the potential re-zoning of the property at 16 W Mound Street from General Commercial to Residential.

Village Residents Comments:

Five-minute limit per person

Jeffrey Bond, of 146 Washington Street Apt C, stated that he believes that the house at 220 Washington Street should be addressed and fixed. He also stated that the signage should be controlled in the area so as to not end up with a mini Las Vegas.

Mark Miller, of 22 W. Mound St., believes that action has been taken by P&Z to move the rezoning of the houses on Mound Street forward and requests that Council support the recommendations of P&Z. He wanted to acknowledge the neighbors that took the time to come out in this nasty weather to show their support for re-zoning.

Reno Robinette, of 10 W. Mound Street, also came to show his support to returning the zoning to residential. His property has been in the family since 1931 and he doesn't want anything to change that.

ORDINANCES:

THIRD Reading

Sponsor: Dr. Bender

O-09-08B AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A WATER
EXTENSION AGREEMENT WITH NEW LIFE COMMUNITY CHURCH

Dr. Bender read the ordinance and moved to approve Ordinance 53-09; seconded by Mr. Paini.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon, Mrs. Turner
Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

NAYS
Motion carried.

Sponsor: Mrs. Mershon

O-09-08C TO AUTHORIZE THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED AGREEMENT WITH THE CANAL WINCHESTER SCHOOL BOARD WITH REGARD TO RENEWING AND EXTENDING THE TERM OF THE CANAL WINCHESTER JOINT RECREATION DISTRICT.

Mrs. Mershon read the ordinance and moved to approve Ordinance 54-09; seconded by Mrs. Turner.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon, Mrs. Turner
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

NAYS

Motion carried.

FIRST Reading

Sponsor: Mr. Deeds

O-09-09A AN ORDINANCE TO REPEAL EXISTING CHAPTER 713 OF THE VILLAGE CODE, TO ADOPT NEW CHAPTER 713 OF THE VILLAGE CODE REGARDING PEDDLERS AND SOLICITORS, TO ESTABLISH PEDDLERS AND SOLICITORS REGISTRATION PROCESS, AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. First reading only.

Mr. Hollins briefly summarized the changes to the ordinance. They include removing the definition of canvasser, a number of exemptions have been removed, a limit of three business days was set for the permit to be issued and specific criteria were set for turning applications and registrations down.

The curfew is now 9pm and the list of holidays was revised. A list will be maintained of "Do Not Knock" residents and anyone getting a license will be given that list and if they do go on those properties it will be treated as a criminal trespassing situation. The police should be called at that time.

Sponsor: Mrs. Mershon

O-09-09B AN ORDINANCE TO UPDATE THE FEES TO BE ASSESSED FOR THE CANAL WINCHESTER MAYOR'S COURT.

Mrs. Mershon read the ordinance. First reading only.

These are direct results of a change from a State Budget Bill. It will be effective on October 16th, 2009.

Sponsor: Dr. Bender

O-09-09C AN ORDINANCE TO REPEAL ORDINANCE 03-05 AND ADOPT REVISED UTILITY OPERATING RULES AND REGULATIONS

Dr. Bender read the ordinance. First reading only.

Mayor's Report:

Dr. Bender moved to accept the August 2009 report of the Mayor's Court Clerk; seconded by Mr. Paini.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon, Mrs. Turner
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

NAYS

Motion carried.

Mayor Ebert stated that there will be a Franklin County Engineers Open House this Wednesday from 4-7pm about the Bixby Road project in the Ohio Erie room at the Groveport Recreation Center.

Ohio Municipal League annual Conference is coming up and Mayor Ebert was asked to serve on the Resolution Committee.

Mr. Paini noted that he has seen and had complaints about people in Ashbrook Village shining laser pointers in the faces of drivers between the hours of 8-10pm.

Sgt Kern read the report.

Dr. Bender asked if there were problems at the Friday night football game. Sgt. Kern stated there was not.

Village Solicitor:

Mr. Hollins stated that the appointments for CWJRD are required to be staggered. It will have to be worked out by the board.

Planning & Zoning met and discussed the re-zoning issue. It will come in front of Council in the near future.

No need for an executive session this evening.

Finance Director:

Ms. Osborn presented the August 2009 Financial Report.

Public Works Director:

Mr. Peoples stated that Rutherford / Eichorn project is progressing and is projected to be finished ahead of schedule.

The slope of the bike path was corrected.

The water tower maintenance began on South Gender tower.

The skate park project is out to bid. Some contractors have called about using all concrete components instead of metal. Bids are due by Sept. 30th. Bid will be awarded by the middle of October and be in front of Council. Construction could start by November.

Fire hydrant flushing is taking place.

I&I work continues at the Water Treatment plant.

2009 Fall Street Tree planting is estimated at \$11,000 for 62 trees.

Mr. Peoples and Mr. Sims gave a presentation at the Public Works National Conference recently on Columbus Street.

Development Director:

See written report. Mr. Strayer is not in attendance.

Community Affairs Director:

Ms. Hoover is putting together a photo display for a Veteran's Day tribute at the request of Mr. Jarvis.

Posters of various military personnel from different eras will be displayed during the month of

November at the Municipal Building. Anyone wanting to send in copies of photos, 5X7 or smaller, can send them to Ms. Hoover or Steven Nyeste to be displayed on display boards in the Municipal building.

Council Reports:

Old Town Committee

- Interurban has exterior work continuing. Local trade school will help with the planting of landscaping.
- Preservation Guidelines were streamlined and updated.

Finance Committee Monday, October 5, 2009 at 5:45 PM

Service Committee Monday, October 19, 2009 at 5:45 PM

Safety Committee Monday, October 12, 2009 at 5:00 PM

- Speed limit on Washington Street between the street bridge and the covered bridge was discussed. There will be increased enforcement but no lowering of the speed limit.

Parks Advisory Committee Wednesday, September 23, 2009 at 6:30 PM

Special Council Meeting Monday, October 12th at 5:45 PM

New Business:

A piece of machinery out by Taylor's by the ODOT property has been sitting there for years and they would like to find a way to get rid of it. It is an eyesore. Mr. Hollins will look into it.

Mr. Jarvis stated that he ran into State Representative Marian Harris and she asked what grants for which we applied. She wanted to know where we were denied and perhaps she could influence a second look. Ms. Osborn will send that information to her.

Mr. Deeds read into the record the Findings of Fact and Conclusion of Law in reference to the denial of the Application of James Baltzer for variance to a side setback at 6342 Streams End Drive VA-09-05. See attached Findings of Fact and Conclusions of Law.

Mr. Deeds moved to adopt this as their decision. Mrs. Rush-Ekelberry seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon, Mrs. Turner
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

NAYS
 Motion carried.

Adjourn to Executive Session:

Not needed this evening.

Adjournment:

Mrs. Rush-Ekelberry moved to adjourn the meeting; seconded by Mr. Paini.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon, Mrs. Turner
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

NAYS
 Motion carried.

Clerk of Council

President of Council

Date

Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.